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Express Mail Cert.:

Att. Docket No. END9 2000 0102 US1

DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name;
I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

System and Method for Determining Network Throughput Speed and Streaming Utilization

the specification of which (check one)

_____ is attached hereto.

 X was filed on 12/21/00 as Application Serial No. or PCAT International Application No. 09/746,183 and was amended on N/A (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119(a)-(d) or Section 365(b) of any foreign application(s) for patent or inventor's certificate or Section 365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below any foreign application for patent or inventors certificate, or PCAT International application having a filing date before that of the application on which priority is claimed::

Prior Foreign Application(s):

Number	Country	Date/Month/Year	Priority Claimed
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I hereby claim the benefit under 35 U.S.C. Section 119(e) of any United States provisional application(s) listed below.

Application Number	Filing Date
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I hereby claim the benefit under Title 35, United States Code, section 120 of any United States application(s), or Section 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. Section 112, I acknowledge the duty to disclose information material to patentability of this application as defined in 37 CFR Section 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application:

Prior U.S. Applications:

Serial No.	Filing Date	Status (patented, pending, abandoned)
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As a named inventor, I hereby appoint the following attorneys and/or agents to prosecute this application and transact all business in the Patent and Trademark Office connected therewith: David L. Adour, Reg. No. 29,604; Lawrence R. Fraley, Reg. No. 26,885; John R. Pivnichny, Reg. No. 43,001; Arthur J. Samodovitz, Reg. No. 31,297; William H. Steinberg, Reg. No. 28,540; Christopher A. Hughes, Reg. No. 26,914; Edward A. Pennington, Reg. No. 32,588; John H. Hoel, Reg. No. 26,279; Joseph C. Redmond, Jr., Reg. No. 18,753; and Shelley M Beckstrand, Reg. No. 24,886.

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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